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Attorneys for Plaintiff
CARL ZEISS MEDITEC, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARL ZEISS MEDITEC, INC.,

Plaintiff,

v.

TOPCON MEDICAL SYSTEMS, INC.,
TOPCON HEALTHCARE SOLUTIONS,
INC., TOBIAS KURZKE, GREG
HOFFMEYER, GENEVIEVE FAY,
KATALIN SPENCER, KEITH BROCK,
CHARLES GUIBORD, JR., JOSEPH
CICCANESI, MELISSA GOEKE, AND
DOES 1-50,

Defendants.

Case No. 3:19-cv-04162

**CARL ZEISS MEDITEC, INC.'S
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL PURSUANT
TO CIVIL LOCAL RULE 7-11**

Hearing:

Date: August 30, 2019

Time: 9:30 a.m.

Location: San Francisco Courthouse
Courtroom G - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Plaintiff Carl Zeiss Meditec, Inc. ("CZMI"), pursuant to Civil Local Rule 7-11 hereby moves for an Order directing that portions of Exhibits A-H and the entirety of Exhibit I to the Declaration of Anita Burton be filed under seal, to be filed concurrently. Those portions (the "Confidential Material") have been redacted from the exhibits pending the Court's ruling on this motion.

For competitive and other reasons, CZMI has maintained the confidentiality of the information sought to be filed under seal in support of CZMI's Motion for Preliminary Injunction,

1 Exhibits A-I to the Declaration of Anita Burton. Exhibits A-H consist of certain employment and
2 confidentiality agreements between CZMI and former employees who are defendants in this
3 matter. These agreements protect CZMI from the misappropriation of trade secrets and
4 confidential information, and therefore reveal, in part, how CZMI protects its trade secrets, and
5 accordingly reference material that is protectable as a trade secret or otherwise entitled to
6 protection under the law (“sealable”) in various portions of these documents for purposes of Rule
7 79-5. Exhibit I is a document that describes and references CZMI’s trade secrets and confidential
8 information, and forms a portion of the trade secrets that are the subject of this motion, and
9 therefore is protectable as a trade secret or otherwise entitled to protection for purposes of Rule
10 79-5. *See* Declaration of Jeremy T. Elman (“Elman Decl.”), ¶ 3.

11 Public disclosure of the information would cause competitive harm to CZMI, as these
12 documents describe trade secret and confidential information regarding CZMI’s business,
13 including but not limited to Exhibits A-H, which describe CZMI’s relationships with its
14 employees and ways in which trade secret and confidential information is protected by CZMI.
15 CZMI’s competitive standing, and its ability to recruit and retain employees, would be harmed if
16 these documents were disclosed publicly, and CZMI may be unable to prevent public disclosure
17 of materials shared with its employees in strict confidence. Disclosure of Exhibit I specifically
18 would risk disclosure of the trade secrets that are at the heart of this entire dispute. Elman Decl.,
19 ¶ 4.

20 A party has “compelling reasons” to seal information in a filing when disclosure of that
21 information would “release trade secrets,” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172,
22 1179 (9th Cir. 2006), or when the material would disclose “sources of business information that
23 might harm a litigant’s competitive standing,” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589,
24 598 (1978). CZMI meets this standard for Exhibits A-I, and is therefore requesting to file under
25 seal portions of Exhibits A-H and the entirety of Exhibit I under seal. Elman Decl., ¶ 5.

26 The proposed order specifically reflecting the proposed redactions of the Confidential
27 Material is narrowly tailored and described pursuant to Local Rule 79-5(d)(1)(b). It addresses
28 only information which, if disclosed, would be commercially harmful to CZMI.

1 DATED: July 24, 2019

DORSEY & WHITNEY LLP

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3 By: /s/ Jeremy T. Elman
4 JEREMY T. ELMAN

5 Attorneys for Plaintiff
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